

I hope my colleagues will join me in moving those bills.

CROSSFIRE HURRICANE

Mr. President, on another matter, on January 19 of this year, then-President Trump issued a memorandum to the Attorney General, the Director of National Intelligence, and the Director of the Central Intelligence Agency. That memo directed these Agencies to declassify certain Crossfire Hurricane records for public dissemination.

We all know about the fatal defects and political decisions that were made during Crossfire Hurricane. That type of improper government conduct demands maximum transparency. The only way you can trust the government is to make sure that everything that can be made public ought to be made public, and the only exceptions to that would be personal privacy, national security issues, and intelligence matters. Everything else is the public's business and can be made public without hurting people or hurting national security.

On February 25 this year, my staff and Senator JOHNSON's staff requested an update from the Justice Department on what has been declassified. We want to know when a full and complete set of declassified records will be provided to the Congress of the United States.

Since February, our respective staffs have followed up with the Justice Department on countless emails and phone calls. Attorney General Garland has consistently failed to provide a substantive update.

We are now in December, and Attorney General Garland hasn't produced a single declassified record to Congress relating to Crossfire Hurricane. More importantly, Attorney General Garland has kept the American people in the dark.

Now, the Justice Department hasn't claimed that the Durham investigation is a basis for refusing to provide these records, so what is the delay all about? Is the Attorney General trying to shield the Justice Department and the FBI from further embarrassment? Because that is why we don't get a lot of stuff public. It is because some bureaucrat is going to be embarrassed by the information coming out.

The other week, it was reported that an alternative Mueller report has been located at the Justice Department. Now, I don't know what that is all about. Reportedly, DOJ could release it soon. This report, if you want to call it a report, was drafted by Andrew Weissmann's team while he served on Special Counsel Mueller's Trump investigation.

Now, I want you to know this is the same Andrew Weissmann who wiped his government phone while working on that investigation. Many of his colleagues did the same thing to over a dozen phones.

These acts may have deleted Federal records that could be key to better understanding their decision-making process as they pursued their investigation and wrote their report.

On September 11 last year, I wrote to the Justice Department, asking about the potential violation of the Federal recordkeeping laws. I also asked what steps the Justice Department had taken to recover these deleted records.

In response, then, the usual response: The Department failed to answer these questions. Instead, it provided a letter from the inspector general rather than providing a full and complete answer for itself.

The inspector general said that 96 phones were assigned to the Mueller team, but the Justice Department can't locate 59 of those phones. Initially, the Justice Department took possession of 79 of 96 phones.

Based on the information provided to me and Senator JOHNSON from the inspector general, it appears, then, that 74 were reviewed for official record-keeping purposes; that is, only 74 out of 96 phones.

Accordingly, 22 of Mueller's team's phones weren't reviewed for Federal recordkeeping purposes so we need to know who those phones belong to. This is beyond suspicious, and the Attorney General doesn't seem to have a care in the world.

The inspector general told us there is a document called the SCO Inventory and Property Transfer Document. That would give us a better idea of the Federal recordkeeping process during the Mueller investigation. To date, Attorney General Garland has failed to produce that document.

So what we have here is yet another example of a complete and total Justice Department failure. On the one hand, the Biden Justice Department has no idea what records should be classified—should be declassified pursuant to President Trump's January 2021 declassification order.

The Biden Justice Department has failed to tell Congress what, if anything, it has done to retrieve the missing Mueller phones. The Biden Justice Department has also failed to provide the Mueller team's existing text messages and other records.

Yet, can you believe it, on the other hand, the Justice Department will reportedly soon release an alternative Mueller report because a Federal court made them do it.

Congress has an independent constitutional oversight authority, and that authority requires the executive branch to be responsive to oversight requests, irrespective of any Federal litigation.

The obvious message from the Biden Justice Department is that it will stiff-arm congressional oversight that could prove embarrassing to the Federal Government—or it is like Garland saying: Screw you, Senators.

Our institutions won't survive with that way of doing the people's business. Transparency brings accountability. Probably my colleagues are tired of my saying that—transparency brings accountability. But none of us should stop working to hold government offi-

cials accountable for their improper conduct, regardless of their political party.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

PRESIDENTIAL COMMISSION ON THE SUPREME COURT

Mrs. FISCHER. Mr. President, 8 months after President Biden asked them to study Supreme Court reform, the Presidential Commission on the Supreme Court of the United States has finally released its report.

I want to begin my comments by recalling the backstory behind this group.

The President created this Commission to appease some Members of the Democratic Party. These progressives want to pack the Supreme Court with Justices who will put their agenda before the Constitution.

Not all Democrats belong to that group. I see the Court packers as more of a radical fringe who can't stand the thought that the Court may make decisions that they don't like.

But instead of lending this fringe element the legitimacy they hoped for, the Commission's nearly 300-page report simply lays out the arguments for and against Court packing, and then makes no recommendation.

In fact, the lawyers, professors, and former judges the President appointed were deeply divided on the issue of adding more Justices to our Nation's highest Court.

Twenty-nine of the Commission's 34 members were liberals. But even with this supermajority of left-leaning scholars, the Commissioners still expressed their "profound disagreement over whether Court expansion at this moment in time would be wise."

If you can believe it, many Democrats in Congress are fond of saying that expanding the Supreme Court for political reasons is actually unpacking it.

Representative JERRY NADLER, the Democrat from New York who chairs the House Judiciary Committee, has claimed that unpacking the Court by expanding it would "restore balance" and that Senate Democrats "should immediately move to expand the Supreme Court."

I want to be as clear as I can about this. Adding Justices to the Supreme Court of the United States simply because you don't like some of the decisions they make—that is Court packing.

President Franklin Roosevelt explored this idea in the 1930s, after the Supreme Court struck down key parts of the New Deal.

President Biden's Commission's own report called FDR's attempt to pack the Court a "needless, futile, and utterly dangerous abandonment of constitutional principle."

No President has been reckless enough or shortsighted enough to push for it since FDR. President Biden said